

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LAUDEN BISEL and MICHAEL  
CASTALDO,

Plaintiffs,

-v.-

ACASTI PHARMA, INC., RODERICK  
CARTER, JAN D'ALVISE, JOHN CANAN,  
and DONALD OLDS,

Defendants.

21 Civ. 6051 (KPF)  
21 Civ. 6567 (KPF)

ORDER CONSOLIDATING  
CASES

KATHERINE POLK FAILLA, District Judge:

Plaintiff Lauden Bisel filed the complaint in *Bisel v. Acasti Pharma, Inc., et al.*, 21 Civ. 6051 (KPF), on July 14, 2021. On August 3, 2021, Plaintiff Michael Castaldo filed the complaint in *Castaldo v. Acasti Pharma, Inc., et al.*, 21 Civ. 6567 (KPF), as well as a statement of relatedness linking the *Castaldo* action to the *Bisel* action. By letter dated August 10, 2021, Defendants requested that the two actions be consolidated (see 21 Civ. 6051 Dkt. #6), and Plaintiffs subsequently notified the Court of their consent to consolidation (see 21 Civ. 6051 Dkt. #7; 21 Civ. 6567 Dkt. #4).

Under Rule 42 of the Federal Rules of Civil Procedure, a district court may consolidate one civil action with another civil action pending in the same court if both actions “involve a common question of law or fact.” Fed. R. Civ. P. 42(a)(2). When actions are consolidated, they are “join[ed] together … without … los[ing] their independent character.” *Hall v. Hall*, 138 S. Ct. 1118, 1124-25 (2018). “The proper solution to the problems created by the existence of two or

more cases involving the same parties and issues, simultaneously pending in the same court [is] to consolidate them under Rule 42(a)." *Miller v. USPS*, 729 F.2d 1033, 1036 (2d Cir. 1984).

Because these actions involve common issues of law and fact as well as the same Defendants, both equity and judicial economy support the consolidation of these cases. The Clerk of Court is therefore directed to consolidate these cases.

SO ORDERED.

Dated: August 16, 2021  
New York, New York



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KATHERINE POLK FAILLA  
United States District Judge